

REMARKS

Applicants have amended claims 1-3, 6, 9-11, 16, 17, 18, 19, 20, 21, 23, 25, 30, and 38, and have cancelled claims 4-8, 11-12, and 13-28, during the prosecution of this patent application. Applicants are not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The Examiner rejected claims 1-3, 34-37 and 45 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi).

The Examiner rejected claims 9, 10, 38 and 39 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Bergeron et al. (U.S. Patent 4,922,514) (hereafter Bergeron).

The Examiner rejected claims 29 and 40 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Northcutt et al. (U.S. Patent Publication No. 2003/0126001) (hereafter Northcutt).

The Examiner rejected claims 30 and 41 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of

Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Northcutt et al. (U.S. Patent Publication No. 2003/0126001) (hereafter Northcutt).

The Examiner rejected claims 31, 32, 33, 42, 43 and 44 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Smith et al. (U.S. Patent 7,013,469 B2).

Applicants respectfully traverse the § 103 rejections with the following arguments.

35 U.S.C. § 103(a): Claims 1-3, 34-37 and 45

The Examiner rejected claims 1-3, 34-37 and 45 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of T

Applicants respectfully contend that claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi, because Kinser in view of Toyouchi does not teach or suggest each and every feature of claims 1 and 35.

A first example of why claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi is that Kinser in view of Toyouchi does not teach or suggest the feature: “a computer processor receiving a service inquiry from a browser to which *a technician* is interfaced at a computer comprising the browser, said computer processor being comprised by a gateway manager, said service inquiry requesting a list of services assigned to *the technician* for being performed by *the technician*” (emphasis added).

The Examiner argues: “Kinser does not explicitly disclose the following limitation, however, ... Toyouchi a computer processor receiving a service inquiry from a browser to which a technician is interfaced at a computer Comprising the browser, said computer processor being comprised by a gateway manager, said service inquiry requesting a list of services assigned to the technician for being performed by the technician (see; col. 11, lines 25-45), col. 38, line (54) – col. 39, line (17), col. 42, lines (4-6, and lines (55-67) of Toyouchi teaches a computer processor being used with a browser to manage service requests in the form of a plurality of requests (i.e. services) through a gateway stored in a table (i.e. list)).”

In response, Applicants respectfully contend that the preceding citations to Toyouchi (col. 11, lines 25-45; col. 38, line 54 – col. 39, line 17; col. 42, lines 4-6; and col. 42, lines 55-67) do not disclose the existence of a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being performed by the technician.

Toyouchi, col. 11, lines 25-45 discusses a table depicted in Toyouchi, FIG. 3, said table including values of attributes relating to services requested by users. Toyouchi, col. 11, lines 25-45 is totally silent as to a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being performed by the technician.

Toyouchi, col. 38, line 54 – col. 39, line 17 describes a connection between, and a message transmitted between, an information acquiring computer and a service providing computer. Toyouchi, col. 38, line 54 – col. 39, line 17 is totally silent as to a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being performed by the technician.

Toyouchi, col. 42, lines 4-6 recites: “the request may be broadcasted to all of the service providing processors”. Toyouchi, col. 42, lines 4-6 is totally silent as to a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being performed by the technician.

Toyouchi, col. 42, lines 55-67 recites: “As an example of the information acquiring computer 310, there are an exclusive use terminal, a personal computer, a workstation, a multimedia kiosku a personal portable terminal (PDA) and so on. As an example of the

information providing 10 computer 21, there are a database server, a World Wide Web (WWW) server, an FTP server, a WAIS server, a Gopher server and a so on.” Toyouchi, col. 42, lines 55-67 is totally silent as to a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being performed by the technician.

In “Response to Argument”, the Examiner further “Additionally while Toyouchi states a technician pulls the information together and then Kinser takes this information and distributes it to technicians there is no indication that the technician of Toyouchi who inputs the information could not then assign himself/herself one of some the trouble tickets (i.e. service requests)”.

In response, Applicants assert that Toyouchi does not disclose that the person who inputs the information assigns, or could assign, himself/herself one of some the trouble tickets. What Toyouchi does not indicate does not imply what Toyouchi discloses.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

A second example of why claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi is that Kinser in view of Toyouchi does not teach or suggest the feature:

“in response to said receiving the service inquiry, said processor formulating and sending a service request status message to a plurality of service ticketing systems, said service request status message requesting service tickets specifying the services assigned to the technician;

after said sending the service request status message, said processor receiving the service tickets from the service ticketing systems, each service ticket specifying a different service of the services assigned to the technician”

The Examiner argues: “Kinser teaches ...

in response to said receiving the service inquiry, said processor formulating and sending a service request status message to a plurality of service ticketing systems (see; col. 55, lines (46-61) of Kinser teaches batch processing (i.e. formulating) and submitting the open service requests to a system for dispatch to multiple systems.

said service request status message requesting service tickets specifying the services assigned to the technician from the service manager (see; col. 55, lines (58-61) of Kinser teaches assigning trouble tickets assigned to specific technicians).

after said sending the service request status message, said processor receiving the service tickets from the service ticketing systems, each service ticket specifying a different service of the services assigned to the technician (see; col. 55, line (56-61) of Kinser teaches the garages receiving the service tickets for the specific technicians and the details of the work).”

In response, Applicants note that Kinser, col. 55, lines 46-61 discloses that WFA/DO receives the trouble tickets created by a process initiated by the Service Analysis (SA).

Applicants assume that the trouble tickets represent the claimed service tickets.

However, Kinser, col. 55, lines 46-61 does not disclose sending (to a plurality of service ticketing systems) a service request status message requesting service tickets specifying the services assigned to the technician as claimed.

In “Response to Argument”, however, the Examiner argues: “In the previously cited area of Kinser col. 55, lines (46-61) Kinser teaches that the WFA/DO is a relied upon for dispatch of *the trouble tickets (i.e. service requests)* to the different technicians” (emphasis added). Thus, the Examiner is alleging that the service request status message is the service tickets (i.e., trouble tickets). Since the trouble ticket are disclosed in Kinser, col. 55, lines 46-61, the Examiner’s assumption that the service request status message is the trouble tickets allegedly supports the Examiner’s argument that the service request status message is disclosed in Kinser, col. 55, lines 46-61.

However, if the service request status message is the service tickets, then the limitation of “said service request status message requesting service tickets” equates to “said service tickets requesting service tickets” which is an inference that does not make any sense and which Kinser does not disclose.

In addition, if the service request status message is the service tickets, then the combination of the limitations of “said processor formulating and sending a service request status message to a plurality of service ticketing systems” and “after said sending the service request status message, said processor receiving the service tickets from the service ticketing systems” requires that processor to send the service tickets to the plurality of service ticketing systems and subsequently receive the service tickets back from the plurality of service ticketing systems, which is an inference that does not make sense and which Kinser does not disclose.

Thus, EITHER (i) Kinser, col. 55, lines 46-61 does not disclose sending the service request status message OR (ii) Kinser, col. 55, lines 46-61 allegedly discloses sending the service request status message under the assumption that the service request status message is the

service tickets which leads to inferences that do not make sense and which are not disclosed in Kinser as discussed *supra*.

In addition, Kinser, col. 55, lines 46-61 does not disclose the plurality of service ticketing systems to which the service request status message must be sent.

In addition, Applicants note that the Examiner's arguments refers to multiple technicians which violates what is being claimed. All language in claims 1 and 35 pertains to one and only one technician who is assigned to perform a list of services and who is interfaced at a computer comprising the browser from which a service inquiry is sent.

In "Response to Argument", the Examiner argues: "the examiner points out that the claim language does not say that the technicians have to be the same individual, nor does it state that there is in fact only one technician."

In response, Applicants assert that claims 1 and 35 refer to "a technician" and "the technician" and do not mention "technicians".

In "Response to Argument", the Examiner further argues: "Additionally while Toyouchi states a technician pulls the information together and then Kinser takes this information and distributes it to technicians there is no indication that the technician of Toyouchi who inputs the information could not then assign himself/herself one of some the trouble tickets (i.e. service requests) making it only one individual as alleged by the applicant."

In response, Applicants assert that Toyouchi does not disclose that the person who inputs the information assigns, or could assign, himself/herself one of some the trouble tickets. What Toyouchi does not indicate does not imply what Toyouchi discloses.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

A third example of why claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi is that Kinser in view of Toyouchi does not teach or suggest the feature: “said processor sorting the tickets in the response list by sort parameters to generate multiple sorted ticket request lists”.

The Examiner argues: “Kinser teaches ... said processor sorting the tickets in the response list by sort parameters to generate multiple sorted ticket request lists (see; col. 28, lines (16-18), col. 50, line (65) - col. 51, line (14), col. 55, lines (57-61) of Kinser teaches the capability of sorting service based on the priority of the service request and creating multiple tickets to different technicians based on what is needed to be completed an when and all this will show up on the dispatch report (i.e. list).”

In response, Applicants note that, of the citations to Kinser in the preceding argument by the Examiner, the only citation to Kinser mentioning sorting is in Kinser, col. 28, lines 16-18 which recites: “access and print entries, sorted by wire center and start date, for a set of wire centers defined by the Maintenance Center user list”.

However, the preceding feature of claims 1 and 35 recites “sorting the tickets in the response list by sort parameters to generate multiple sorted ticket request lists” which the preceding quote from Kinser, col. 28, lines 16-18 does not disclose. The preceding quote from Kinser, col. 28, lines 16-18 merely discloses sorting access and print entries, which is not specific to ticket request lists and is not a disclosure of generating multiple sorted lists.

In “Response to Argument”, the Examiner argues: “These trouble tickets are open requests for work and contain the list of all required actions. , Additionally, there is a sorting process that takes place based on priority, which will impact the amount of groups formed (see; col. 55, lines (54-55) of Kinser).”

In response, Applicants note that Kinser, col. 55, lines 54-56 recite: “Knowing the number of groups allowed, the process reads the priorities of all "suggested" trouble groups and creates "open" trouble tickets.”

Applicants assert that the preceding quote from Kinser, col. 55, lines 54-56 discloses reading the priorities and does not disclose sorting on the priorities. A disclosure of performing services based on how the services are prioritized is not a disclosure of sorting the priorities and is not a disclosure of generating a sorted list of the services based on their priorities. Performing the services based on their priorities requires only knowing what their priorities are, and does not require sorting the priorities to generate a sorted list.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

A fourth example of why claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi is that Kinser in view of Toyouchi does not teach or suggest the feature: “said processor storing the multiple sorted ticket request lists in a cache memory at the gateway manager for subsequent display to the technician of a sorted ticket request list of the multiple sorted ticket request lists, wherein the multiple sorted ticket request lists are concurrently stored in the cache memory”.

The Examiner argues: “Kinser teaches ... displaying said processor storing the multiple sorted ticket request lists in a cache memory at the gateway manager for subsequent display to the technician of a sorted ticket request list of the multiple sorted ticket request lists, wherein the multiple sorted ticket request lists are concurrently stored in the cache memory (see; col. 43, lines (60-64), col. 47, lines (28-37), col. 55, lines (52-61), and col. 57, lines (19-26) of Kinser teaches a processor that stores multiple trouble tickets and the dispatch report (i.e. request lists) in memory that can be viewed in a display and additionally uses a gateway to distribute the trouble tickets to the technicians).”

In response, Applicants note that Kinser, col. 43, lines 60-64 recites: “FIG. 24 is a block diagram of a proactive service management process. In FIG. 24, Caseworker 308 is used for coordinating trouble reports received from MLT 314 (via standard interface Gateway 348)”.

In further response, Applicants note that Kinser, col. 47, lines 28-37 recites: “ Once ALIT is completed for a given wire center (all ALIT scheduled testing must be complete if the wire center has multiple switches), SA determines if the individual server has enough memory and resources to begin another SA process. This determination must be done due to the wire center data distribution. Each server covers data for multiple, preassigned wire centers, and due to the processing requirements of SA, only a certain number of wire center SA processes (based on wire center size) can realistically run on one server at a time.”

In further response, Applicants note that Kinser, col. 55, lines 52-61 recites: “Therefore, based on priorities, different numbers of trouble ticket groups will be opened. Knowing the number of groups allowed, the process reads the priorities of all "suggested" trouble groups and creates "open" trouble tickets. This process then submits these open trouble ticket groups to

WFA/DO for dispatch... This process also sends the technician's dispatch report, provided by the Post-MLT SA process listing all the area detail for their specific trouble group, to the local garage printer. ”

In further response, Applicants note that Kinser, col. 57, lines 19-26 recites: “Service Analysis can be run by a batch process, or asynchronous processing to respond to customer calls in real-time. Caseworkers access Service Analysis on a real-time basis. If the need for an outside dispatch is established, the system will read all associated proactive trouble groups to append to the new customer call. In addition, related closed trouble tickets and defective pairs will be grouped as well to display for the technician.”

Applicants assert that none of the preceding quotes to Kinser mention anything about a sorted ticket request list and therefore do not disclose “storing *the multiple sorted ticket request lists* in a cache memory ..., wherein *the multiple sorted ticket request lists* are concurrently stored in the cache memory” (emphasis added).

Applicants assert that none of the preceding quotes to Kinser mention anything about cache memory and therefore do not disclose “storing the multiple sorted ticket request lists in *a cache memory* ..., wherein the multiple sorted ticket request lists are concurrently stored in *the cache memory*” (emphasis added).

Applicants assert that there is no disclosure in Kinser of using cache memory for any purpose. In fact, there is not even any mention of cache memory in Kinser.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

In order for the Examiner to more effectively communicate the Examiner's analysis to Applicants so that the present patent application will be more efficiently prosecuted, Applicants respectfully request that the Examiner identify with specificity and clarity, exactly what entities in Kinser and Toyouchi represents the following claimed entities: "service inquiry", "service request status message", "service tickets", and "plurality of ticketing systems".

Based on the preceding arguments, Applicants respectfully maintain that claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi, and that claims 1 and 35 are in condition for allowance. Since claims 2-3 and 34 depend from claim 1, Applicants contend that claims 2-3 and 34 are likewise in condition for allowance. Since claims 36-37 and 45 depend from claim 35, Applicants contend that claims 36-37 and 45 are likewise in condition for allowance.

In addition with respect to claims 2 and 36, Kinser in view of Toyouchi does not disclose the feature: "before said sending the service request status message, said processor converting the service status request message to a format that is specific for each service ticketing system".

The Examiner argues: "**Referring to Claim 2**, Kinser in view of Toyouchi teach the method of claim 1, Kinser further disclose the following limitation.... before said sending the service request status message, said processor converting the service status request message to a format that is specific for each service ticketing system (see; col. 46, lines (1-19), and col. 58, lines (48-50) of Kinser teaches the service requests are grouped together in proactive and reactive along with a common service order processor that ensures the format is translated properly)."

In response, Applicants assert that Kinser, col. 46, lines 1-19 discusses grouping troubles by geographical area, using historical switch surveillance information, and grouping proactive or reactive troubles. Kinser, col. 46, lines 1-19 does not disclose “converting the service status request message to a format that is specific for each service ticketing system”.

In further response, Applicants note that Kinser, col. 58, lines 48-50 recites: “CSOP--Common Service Order Processor--Translates service request from SSNS into service order format and reverse.” Applicants assert that the preceding quote from Kinser, col. 58, lines 48-50 does not disclose “converting the service status request message to a format that is specific for each service ticketing system”.

First, the “service request” referred to in Kinser, col. 58, lines 48-50 does not satisfy the requirement of the claimed “service status request message” of “requesting service tickets specifying the services assigned to the technician”.

Second, although the preceding quote in Kinser, col. 58, lines 48-50 discloses converting to a format, the preceding quote in Kinser, col. 58, lines 48-50 does not disclose converting to a format that is specific for each service ticketing system. In fact, Kinser does not even disclose the claimed plurality of ticketing systems.

Accordingly, claims 2 and 36 are not unpatentable over Kinser in view of Toyouchi.

In addition with respect to claims 34 and 45, Kinser in view of Toyouchi does not disclose the feature: “displaying to the technician the sorted ticket request list by displaying sequential segments of tickets in the sorted ticket request list”.

The Examiner argues: “**Referring to Claim 34**, Kinser in view of Toyouchi teach the method of claim 1, Kinser further disclose the following limitation.... displaying to the technician the sorted ticket request list by displaying sequential segments of tickets in the sorted ticket request list (see; col. 28, lines (16-18), col. 50, line(65) - col. 51, line (14) col. 55, lines (58-61) of Kinser teaches displaying a report with the service that needs to be performed listed based on how they were prioritized (i.e. sorted segments) before being sent).”

In response, the “report” referred to in the preceding argument by the Examiner is not “the sorted request list” that results from sorting the tickets. As explained *supra* in conjunction with claims 1 and 35, Kinser discloses reading the priorities but does not disclose sorting the priorities. A disclosure of performing services based on how the services are prioritized is not a disclosure of sorting the priorities and is not a disclosure of generating a sorted list of the services based on their priorities. Performing the services based on their priorities requires only knowing what their priorities are, and does not require sorting the priorities.

Accordingly, claims 34 and 45 are not unpatentable over Kinser in view of Toyouchi.

35 U.S.C. § 103(a): Claims 9, 10, 38 and 39

The Examiner rejected claims 9, 10, 38 and 39 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Bergeron et al. (U.S. Patent 4,922,514) (hereafter Bergeron).

Since claims 9-10 and 38-39 respectively depend from claims 1 and 35 which Applicants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Applicants maintain that claims 9-10 and 38-39 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron under 35 U.S.C. §103(a).

In addition with respect to claims 9 and 38, Kinser in view of Toyouchi, in further view of Bergeron does not disclose the feature: “determining an elapsed time since a last inquiry by the technician”.

The Examiner argues: “Kinser and Toyouchi do not explicitly disclose the following limitation, however.... Bergeron teaches said processor determining an elapsed time since a last inquiry by a the technician (see; col. 4, lines (1-20) of Bergeron teaches a processor that keeps track of service engineers (i.e. technician) based on a event or time driven schedule and how it is accessed with an input/output device (i.e. inquiry)).”

In response, Applicants respectfully contend that there is no disclosure in Bergeron, col. 4, lines 1-20 of an ***elapsed time***. Keeping track of service engineers (i.e. technician) based on a event or time driven schedule requires an awareness of what the current time is in relation to the schedule and does not require keeping track of an elapsed time.

In further response, Applicants respectfully contend that there is no mention in Bergeron, col. 4, lines 1-20 of “a last inquiry by the technician”. Therefore, Bergeron, col. 4, lines 1-20 does not disclose, and cannot disclose “determining an elapsed time *since a last inquiry by the technician*.”

Accordingly, claims 9 and 38 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

In addition with respect to claims 9 and 38, Kinser in view of Toyouchi, in further view of Bergeron does not disclose the feature: “resetting the sorted ticket lists in the cache after a predetermined time period has expired”.

The Examiner argues: “**Referring to Claim 9**, Kinser in view of Toyouchi teach the method of claim 1, Kinser further disclose the following limitation... said processor resetting the sorted ticket lists in the cache after a predetermined time period (see; col. 29, lines (39-43), col. 47, lines (28-37), and col. 55, lines (52-61) of Kinser teaches a processor and memory that takes the sorted data and tries to maximize the efficiency of the work being completed therefore the dispatch report is sent to the technician with current open items to complete).”

In response, Applicants respectfully contend that the preceding argument by the Examiner does not address the preceding feature of claims 9 and 38, because the preceding argument by the Examiner does not address:

- (i) the sorted ticket lists;
- (ii) *resetting* the sorted ticket lists;
- (iii) resetting the sorted ticket lists *in the cache*;

(iv) resetting the sorted ticket lists in the cache *after a predetermined time period has expired*.

Accordingly, claims 9 and 38 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

In addition with respect to claims 10 and 39, Kinser in view of Toyouchi, in further view of Bergeron does not disclose the feature: “wherein said resetting comprises retrieving additional tickets for the ticketing systems”.

The Examiner argues: “**Referring to Claim** , Kinser in view of Toyouchi in further view of Baergeron teach the method of claim 9, Kinser further disclose the following limitation... wherein said resetting comprises retrieving additional tickets for the ticketing systems (see; col. 21, par. (35-42), and col. 55, lines (56-61) of Kinser teaches a re-prioritizing of the group of service requests and then distributing them to the correct technician).

In response, Applicants respectfully contend that the preceding argument by the Examiner alleges that Kinser teaches re-prioritizing the *same* group of service requests and does not address *additional* tickets. Furthermore, the preceding feature of claims 10 and 39 does not recite retrieving additional tickets for the technician, but rather recites retrieving additional tickets for the ticketing systems.

Accordingly, claims 10 and 39 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

35 U.S.C. § 103(a): Claims 29 and 40

The Examiner rejected claims 29 and 40 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Northcutt et al. (U.S. Patent Publication No. 2003/0126001) (hereafter Northcutt).

Since claims 29 and 40 respectively depend from claims 1 and 35 which Applicants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Applicants maintain that claims 29 and 40 are not unpatentable over Kinser in view of Toyouchi, in further view of Northcutt under 35 U.S.C. §103(a).

35 U.S.C. § 103(a): Claims 30 and 41

The Examiner rejected claims 30 and 41 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Northcutt et al. (U.S. Patent Publication No. 2003/0126001) (hereafter Northcutt).

Since claims 30 and 41 respectively depend from claims 1 and 35 which Applicants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Applicants maintain that claims 30 and 41 are not unpatentable over Kinser in view of Toyouchi, in further view of Northcutt under 35 U.S.C. §103(a).

In addition with respect to claims 30 and 41, Kinser in view of Toyouchi, in further view of Northcutt does not disclose the feature: “creating a different integer array of pointers for each sort parameter to index a sort order of the tickets in the response list for each sort parameter, wherein each pointer in each integer array points to a ticket in the response list, and rearranging the pointers in each integer array as the tickets are rearranged in the response list for each sort parameter”.

The Examiner argues: “Kinser, Toyouchi and Northcutt do not explicitly disclose the following limitations however, ... Smith teaches creating a different integer array of pointers (see; col. 400, lines (33-35) of Smith teaches an integer array and ifs combination with pointers), and wherein each pointer in each integer array points to an item (see; col. 6, lines (19-29) and col. 400, lines (33-35) of Smith teaches that pointers are used to point to items, and that pointer are part of the integer array), and rearranging the pointers in each integer array as the tickets are

rearranged in the response list for each sort parameter (see; col. 6, lines 10-14), and col. 237, lines (10-14) of Smith teaches an integer array used in sorting parameters).”

In response, Applicants respectfully contend that claims 30 and 41 are rejected as allegedly unpatentable over Kinser in view of Toyouchi, in further view of Northcutt . Thus claims 30 and 41 are not rejected over Smith or in view of Smith. Therefore, Smith cannot be used as a prior art reference to support a rejection of claims 30 and 31 over Kinser in view of Toyouchi, in further view of Northcutt. Accordingly, the Examiner’s reliance on Smith is misplaced and the Examiner has not established a *prima facie* case of obviousness in relation to claims 30 and 41.

However, Applicants next discuss Smith in order to explain why it would be futile for the Examiner to include Smith in a future rejection of claims 30 and 41.

Applicants note that Smith, col. 400, lines 33-35 recites “Initializes a new instance of the String class to the value indicated by a specified pointer to an array of Unicode characters” which is totally silent as to sorting.

Applicants note that Smith, col. 6, lines 19-29 recites “The API 142 groups API functions into multiple namespaces. Namespaces essentially define a collection of classes, interfaces, delegates, enumerations, and structures, which are collectively called "types", that provide a specific set of related functionality. A class represents managed heap allocated data that has reference assignment semantics. A delegate is an object oriented function pointer. An enumeration is a special kind of value type that represents named constants. A structure represents static allocated data that has value assignment semantics. An interface defines a contract that other types can implement.” which is totally silent as to sorting.

Applicants note that Smith, col. 6, lines 8-14 recites “The operating system 146(1) provides conventional functions, such as file management, notification, event handling, user interfaces (e.g., windowing, menus, dialogs, etc.), security, authentication, verification, processes and threads, memory management, and so on. The object model services 146(2) provide interfacing with other objects to perform various tasks.” which is totally silent as to sorting.

Applicants note that Smith, col. 237, lines 10-14 recites “Converts the value of a specified instance of Decimal to its equivalent binary representation, and returns that representation in an array of 32-bit signed integers. Return Value: A 32-bit integer array with four elements that contain the binary representation of d.” which is totally silent as to sorting.

Accordingly, claims 30 and 41 are not unpatentable over Kinser in view of Toyouchi, in further view of Northcutt.

35 U.S.C. § 103(a): Claims 31, 32, 33, 42, 43 and 44

The Examiner rejected claims 31, 32, 33, 42, 43 and 44 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Smith et al. (U.S. Patent 7,013,469 B2).

Since claims 31-33 and 42-44 respectively depend from claims 1 and 35 which Applicants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Applicants maintain that claims 31-33 and 42-44 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith under 35 U.S.C. §103(a).

In addition with respect to claims 31 and 42, Kinser in view of Toyouchi, in further view of Smith does not disclose the feature:

“wherein the sort parameters consist of a first sort parameter and a second sort parameter, wherein the multiple sorted ticket request lists consist of a first sorted ticket request list and a second sorted ticket request list, and

wherein said sorting comprises generating the first sorted ticket request list whose tickets are sorted according to the first sort parameter and generating the second sorted ticket request list whose tickets are sorted according to the second sort parameter”.

The Examiner argues: **Referring to Claim 31**, Kinser in view of Toyouchi teach the method of claim 1, Kinser in view of Toyouchi do not explicitly disclose the following limitations, however ... Smith teaches wherein the sort parameters consist of a first sort

parameter and a second sort parameter (see; col. 737, lines (9-11) of Smith teaches two sort parameters), and

wherein the multiple sorted ticket request lists consist of a first sorted ticket request list and a second sorted ticket request list (see; col. 75, lines (29-35) and col. 737, lines (9-11) the sorting of multiple of data including the ability to sort two parameters), and

wherein said sorting comprises generating the first sorted ticket request list whose tickets are sorted according to the first sort parameter and generating the second sorted ticket request list whose tickets are sorted according to the second sort parameter (see; col. 75, lines (29-35) and col. 737, lines (9-11) the sorting of multiple of data including the ability to sort two parameters based on how the array is set up making for a multitude of search parameter combinations (i.e. first sort generating second sort)).”

In response, Applicants respectfully contend that Smith, col. 737, lines 5-12 and Smith, col. 75, lines 26-35 do not disclose “generating the first sorted ticket request list whose tickets are sorted according to the first sort parameter and generating the second sorted ticket request list whose tickets are sorted according to the second sort parameter”.

Smith, col. 737, lines 5-12 merely discloses a function that compares two sort keys for equality (“[JScript] public static function Compare(sortkey1: SortKey, sortkey2: SortKey): int; Description Compares two sort keys. Return Value: Value Condition Zero The two sort keys are equal. The first sort key to compare. The second sort key to compare.”).

Smith, col. 75, lines 26-35 merely discloses a function that sorts a one-dimensional array (“[JScript] public static function Sort(array: Array); Sorts the elements in one-dimensional System.Array objects. Description Sorts the elements in an entire one-dimensional System.Array

using the System.IComparable interface implemented by each element of the System.Array. Each element of array must implement the System.IComparable interface to be capable of comparisons with every other element in array. The one-dimensional System.Array to sort.”).

Accordingly, claims 31 and 42 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

In addition with respect to claims 32 and 43, Kinser in view of Toyouchi, in further view of Smith does not disclose the feature: “wherein the first sort parameter consists of ticket request location, and wherein the second sort parameter consists of type of service requested”.

The Examiner argues: “**Referring to** Claim 32, Kinser in view of Toyouchi in further view of Smith teach the method of claim 31, Kinser in view of Toyouchi in further view of Smith do not explicitly disclose the following limitations, however ... Smith teaches wherein the first sort parameter, and wherein the second sort parameter(see; col. 737, lines (9-11) of Smith teaches two sort parameters), however Smith does not explicitly disclose that the first sort parameter consists of ticket request location and the second sort parameter consists of type of service requested, The difference between the reference (Smith, sorting method using parameters) and claim 32 (sorting using specific defined parameters) relates only to the intended use of the invention (i.e., to perform tracking a sorting method). A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim...

Furthermore it should be noted that the use of "date" and "severity" is merely a non-functional

data labels. The use of this data label does not make this claim patentably distinguishable over the prior art. It merely identifies specific terms for actions performed in sorting information as taught by Smith.”

In response, Applicants respectfully contend that the Examiner incorrectly argues that the preceding feature of claims 32 and 43 is an intended use. Applicants assert that claims 32 and 43 claim sorting the tickets using the first and second sort parameters of ticket request location and type of service requested, respectively. Thus, the preceding feature of claims 32 and 43 is not an intended use and is not disclosed by Kinser in view of Toyouchi in further view of Smith.

Accordingly, claims 32 and 43 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

In addition with respect to claims 33 and 44, Kinser in view of Toyouchi, in further view of Smith does not disclose the feature: “wherein the first sort parameter consists of ticket submission date, and wherein the second sort parameter consists of severity of problem to which service is directed”.

The Examiner argues: “**Referring to Claim 33**, Kinser in view of Toyouchi in further view of Smith teach the method of claim 31, Kinser in further disclose the following limitation... wherein the first sort parameter consists of ticket submission date, and wherein the second sort parameter consists of severity of problem to which service is directed (see; col. 45, line (19, and col. 49, line (5-8) of Kiner teaches that two possible parameters that can be used for sorting are date and severity of the problem).”

In response, Applicants note that Kinser, col. 4, line 19 recites “Trouble type and severity relationships” which is totally unrelated to sorting.

In further response, Applicants note that Kinser, col. 49, lines 5-8 recites “Also, the defective pair information (i.e., date and failure type) and spare pair count for each cable pair range will be obtained for use in the trouble grouping and prioritization processes, respectively” which is totally unrelated to sorting.

Accordingly, claims 33 and 44 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM). The Attorney's reference number for this case is END-9501.

Date: January 19, 2011

/ Jack P. Friedman /
Jack P. Friedman
Registration No. 44,688

Customer No. 30449
Schmeiser, Olsen & Watts
22 Century Hill Drive - Suite 302
Latham, New York 12110
Telephone (518) 220-1850
Facsimile (518) 220-1857
E-mail: jfriedman@iplawusa.com